

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Northern Division

WILLIAM R. CARROLL, et al.

Plaintiffs

Civil Case No.

vs.

MJG-02-CV-2084

BENJAMIN J. MARTIN, et al.

Defendants

The deposition of WILLIAM CARROLL was held  
on Friday, December 13, 2002, commencing at 2:48 p.m.,  
at the Law Offices of Schlachman, Belsky & Weiner,  
P.A., 20 South Charles Street - Tenth Floor, Baltimore,  
Maryland, 21201, before Sandra A. Judd, Notary Public.

APPEARANCES:

HENRY L. BELSKY, ESQUIRE  
On behalf of Plaintiffs

MICHAEL B. MANN, ESQUIRE  
On behalf of Defendants

ALSO PRESENT: Benjamin James Martin

REPORTED BY: Sandra A. Judd

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1 STIPULATIONS  
 2 It is stipulated and agreed by and between  
 3 counsel for the respective parties that the reading and  
 4 signing of this deposition by the witness be and the  
 5 same are hereby waived.  
 6 It is further stipulated and agreed that  
 7 the filing of this deposition with the Clerk of Court  
 8 be and the same is hereby waived.  
 9 -----  
 10 Whereupon,  
 11 WILLIAM CARROLL,  
 12 called as a witness, having been first duly sworn to  
 13 tell the truth, the whole truth, and nothing but the  
 14 truth, was examined and testified as follows:  
 15 EXAMINATION BY MR. MANN:  
 16 Q Would you state your name and current  
 17 address for the record?  
 18 A William Carroll, 6043 Gulfport Boulevard  
 19 South, Gulfport, Florida.  
 20 Q Okay. And what's your date of birth?  
 21 A 11/12/64.

1 Q What's your wife's name?  
 2 A Laura.  
 3 Q Okay. And when were you married?  
 4 A August 6th, 1988.  
 5 Q Okay. And is that your only marriage?  
 6 A Yes.  
 7 Q Do you have any children?  
 8 A Yes.  
 9 Q How many?  
 10 A Two.  
 11 Q What are their ages?  
 12 A Katie is 13 and Robbie is 11.  
 13 Q Okay. Are you employed at this time?  
 14 A Yes, sir.  
 15 Q Where are you employed?  
 16 A Raytheon.  
 17 MR. BELSKY: Could you spell that for her?  
 18 THE WITNESS: R-A-Y-T-H-E-O-N.  
 19 Q That's the whole name, Raytheon?  
 20 A Well, the corporate is probably Raytheon  
 21 Company.

3

5

1 Q And your Social Security number?  
 2 A 265-45-3197.  
 3 Q Okay. And how far did you go in school,  
 4 Mr. Carroll?  
 5 A The last degree I obtained was a Master's  
 6 Degree.  
 7 Q Okay. Where did you obtain that?  
 8 A Johns Hopkins.  
 9 Q As you know, my name is Mike Mann. I'm  
 10 going to ask you a number of questions today about the  
 11 accident and your injuries and the lawsuit that you've  
 12 filed. If there's anything that I ask poorly, you  
 13 don't understand, you want me to repeat, I'll be glad  
 14 to do that. Okay?  
 15 A Okay.  
 16 Q You just have to let me know. If you  
 17 don't, I'm going to understand that you're truthfully  
 18 answering the question that I asked. Okay?  
 19 A Okay.  
 20 Q Are you married?  
 21 A Yes.

1 Q Okay.  
 2 A The group I'm with is Raytheon Network  
 3 Systems.  
 4 Q Okay.  
 5 A I think.  
 6 Q Where are they located?  
 7 A The group I'm at is located in St.  
 8 Petersburg, Florida. Corporate headquarters are in  
 9 Massachusetts somewhere.  
 10 Q When you go to work, do you go to St.  
 11 Petersburg?  
 12 A Yes.  
 13 Q Okay. How long have you been employed by  
 14 them?  
 15 A Almost a year and a half.  
 16 Q Okay. So that would be like the summer of  
 17 2001?  
 18 A July. Yes, July 2001.  
 19 Q Okay. What do you do for them?  
 20 A Software engineer.  
 21 Q Do you work inside of a laboratory or do

1 you work on a computer?  
 2 A I split my time between my desk and a lab.  
 3 Q Okay. And what do you do, create programs?  
 4 A Yeah, I write software.  
 5 Q Okay. Where was the last place you were  
 6 employed before that?  
 7 A Acterna Corp, which used to be T.T.C.  
 8 Q Okay.  
 9 (A discussion was held off the record.)  
 10 Q Acterna Corporation?  
 11 A A-C-T-E-R-N-A.  
 12 Q Where are they located?  
 13 A Germantown, Maryland.  
 14 Q What were the dates you were employed  
 15 there?  
 16 A It was October '95 to July 2001.  
 17 Q Okay. And what did you do there?  
 18 A Software engineer.  
 19 Q Okay. And why did you leave there?  
 20 A I wanted to move back to Florida.  
 21 Q Okay.

1 A I'm from St. Petersburg.  
 2 Q Okay. Where were you before Acterna  
 3 Corporation?  
 4 A Encore Computer, which is outside of Fort  
 5 Lauderdale, although they're not Encore anymore; they  
 6 got bought after I left.  
 7 Q What are they called now?  
 8 A The group I was with got bought by Sun.  
 9 Sun Microsystems.  
 10 Q S-U-N?  
 11 A Yeah. I don't know even know if they're  
 12 open there anymore.  
 13 Q Okay. And at that time, you were working  
 14 in Florida. Did you come to Maryland in '95?  
 15 A Yes.  
 16 Q Okay. Because of the job?  
 17 A Yes.  
 18 Q All right. Okay. Let's talk about the day  
 19 of this accident. According to the police report, it's  
 20 January 16th, 2001. Does that sound right?  
 21 A Yes.

1 Q Okay. Do you remember what day of the week  
 2 that was?  
 3 A A Tuesday.  
 4 Q And do you remember about what time the  
 5 accident happened?  
 6 A About 6:30 a.m.  
 7 Q Okay. You were on a bicycle?  
 8 A Yes.  
 9 Q Where were you going?  
 10 A To work.  
 11 Q Okay. And where were you coming from?  
 12 A Home.  
 13 Q Okay. Were you planning to stop anywhere?  
 14 A No.  
 15 Q Was this your normal way of getting to  
 16 work, by bicycle?  
 17 A I rode my bike probably about half the  
 18 time.  
 19 Q Okay. How long did it take you to ride  
 20 your bike there?  
 21 A About 40 minutes.

1 Q What would you do the other half of the  
 2 time?  
 3 A Drive.  
 4 Q Okay. Why did you pick the bicycle on that  
 5 day?  
 6 A Mostly because it's -- the temperature was  
 7 above freezing, and I could.  
 8 Q Okay.  
 9 A I generally didn't ride -- well, I didn't  
 10 ride at all when it was below freezing.  
 11 Q Okay.  
 12 A And that was the first day it had been  
 13 above freezing for a while.  
 14 Q What kind of bicycle were you riding?  
 15 A Bianchi. I think the model name is  
 16 Advantage. It's a hybrid bicycle.  
 17 Q By hybrid, do you mean between a mountain  
 18 bike and a -- well, what do you mean by hybrid?  
 19 A A hybrid bike is -- it's -- it generally  
 20 looks like a mountain bike. It has the mostly flat  
 21 handlebars as opposed to the drop handlebars.

3 (Pages 6 to 9)

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12

1 Q Right.

2 A But it generally has no knobby tires, which

3 a mountain bike generally has. And it usually has

4 larger wheels. Most mountain bikes have 26-inch

5 wheels, and most hybrids have 27.

6 Q Okay. How long had you had this bicycle?

7 A I bought it in January of '95. '96.

8 Sorry.

9 Q Okay. So this is the bicycle that you had

10 been riding for half the time from that point on?

11 A Yeah.

12 Q Okay. What was the weather that day?

13 A It was cold. I remember it was not a whole

14 lot above freezing. It was like 35, I think, when I

15 left. But it was above freezing.

16 Q Was there any precipitation?

17 A I don't recall.

18 Q Was it dark?

19 A Well, it wouldn't have been raining,

20 because if it had been raining, I wouldn't have ridden

21 either.

1 Q All right. And are they battery powered?

2 A Yes.

3 Q Okay. Now, were the rear lights on?

4 A Yes.

5 Q How about the headlights?

6 A Yes.

7 Q Okay. At what point in the ride did this

8 accident happen?

9 A I was probably about six and half miles

10 from home.

11 Q Okay. And how far is it to your work?

12 A It's just shy of ten.

13 Q Okay. What road were you on when this

14 happened?

15 A Ridge Road, which is Maryland State 27.

16 Q Okay. Was that your normal route?

17 A (Witness nods head.)

18 Q Yes?

19 A Yes. Sorry.

20 Q Did you usually ride alone or did you

21 normally ride with someone else?

11

13

1 Q Right. Was it dark?

2 A Yes. It was before sunrise.

3 Q What did you have on the bicycle? Did you

4 -- strike that. Did the bicycle have a headlight?

5 A Yes.

6 Q It did?

7 A I had two headlights, actually.

8 Q Okay. Were they powered by a generator or

9 a battery?

10 A Both of them were battery powered.

11 Q Okay. So you could flick those on, and

12 they would be on whether you were pedaling or not?

13 A Yes.

14 Q How about from behind? What did you have?

15 A It's a brand name called Vistalight. It's

16 a little -- three L.E.D.s that flash.

17 Q Okay.

18 A It was on the back of the rack. And then

19 there was another one that have five L.E.D.s that was

20 on the back of the -- connected to the seat post right

21 under the seat.

1 A I pretty much always rode alone.

2 Q And the closest street was -- what's that,

3 Wakomore, or Wacomore?

4 A Yeah, I've always assumed it's either

5 Wacomore or Wakomore. I don't really know how it's

6 pronounced.

7 Q Okay. And was that ahead of you; you had

8 not yet gotten to that?

9 A I don't know the precise location of the

10 accident, so I couldn't tell you.

11 Q Okay. Well, let me just ask you. Do you

12 have less than complete memory of the accident?

13 A Yes.

14 Q Okay. Well, let me just go through this

15 with as much detail as I can so I can find out what you

16 do remember and what you don't. First of all, the

17 general area where the accident happened, Ridge Road,

18 how many lanes wide is that?

19 A One in each direction.

20 Q Okay.

21 A One lane with a shoulder in each direction.

1 Q Okay. There's a shoulder on both sides of  
2 the road?  
3 A Yes.  
4 Q What is the speed limit in the area where  
5 the accident happened?  
6 A Forty. At least it was at that time. It  
7 was 40.  
8 Q Okay. How wide is the shoulder? Let me  
9 narrow that down. You were on your side of the road?  
10 You were going --  
11 A I was going south.  
12 Q You were going south? Okay. The  
13 southbound shoulder, how wide is that?  
14 A I don't really know. I would guess six to  
15 eight feet.  
16 Q Is it as wide as a travel lane?  
17 A Probably not. I don't know.  
18 Q Okay. Do you know what separates the south  
19 and the northbound lanes?  
20 A A double yellow stripe.  
21 Q Okay. There's no median strip there?

1 don't remember anything that happened after you crossed  
2 Skylark Road?  
3 A No.  
4 MR. BELSKY: Wait a minute. He said that  
5 he got into the shoulder. He did say that.  
6 Q Okay. After you crossed Skylark Road, you  
7 went into the shoulder?  
8 A Well, I would have -- the shoulder -- at  
9 least from my perspective, the shoulder ends at the  
10 intersection. So I would have left it as I entered the  
11 intersection and resumed -- that's not the right  
12 word -- as I got -- resumed -- returned to the shoulder  
13 as --  
14 Q Okay. See, the problem -- the thing that I  
15 want to distinguish is what you assume you did and what  
16 you remember doing.  
17 A Yes.  
18 Q Okay. You remember riding the bicycle up  
19 to Skylark, right?  
20 A I can remember crossing the intersection  
21 and --

1 A No.  
2 Q Okay. Do you remember the actual impact?  
3 A The last thing I remember is crossing  
4 Skylark Road, which is probably less than a quarter  
5 mile north of there.  
6 Q Okay.  
7 A Would have crossed and then resumed travel  
8 south on the shoulder.  
9 Q And you don't remember anything that  
10 happened past -- what's the name of the road?  
11 A Skylark Road.  
12 Q Skylark?  
13 A I'm pretty sure Skylark is the right name,  
14 yeah.  
15 Q Okay. It would have been the last  
16 intersecting road that you crossed?  
17 A Yeah.  
18 Q Okay.  
19 A And it would have -- Wacomore went off to  
20 the east, so Skylark would have gone off to the west.  
21 Q And so just to repeat my question, you

1 Q Okay.  
2 A -- getting back on the shoulder there.  
3 Q Okay. Prior to the intersection, were you  
4 riding on the shoulder?  
5 A Yes. I always rode on the shoulder.  
6 Q Okay. Did you have to stop at the  
7 intersection?  
8 A No.  
9 Q So you remember on that day not having to  
10 stop?  
11 A I don't remember ever having to stop. It's  
12 a -- it's a road that only goes off on one side.  
13 Q Okay.  
14 A There's no stop sign or stoplight.  
15 Q Okay. And you do actually remember  
16 entering into the -- onto the shoulder again once you  
17 were past that?  
18 A Yes.  
19 Q Do you have any idea how far past Skylark  
20 Drive you were when the impact occurred?  
21 A Not exactly, no.

18

20

1 Q Well, do you have any idea?

2 A The placement in the police report would

3 put it at a few hundred yards.

4 Q Okay. But you don't remember that?

5 A No.

6 Q Okay. Do you remember exactly where you

7 were on the roadway at the moment of impact?

8 A No. But I would have been on the shoulder,

9 because I didn't ride in the road.

10 Q Okay. But this is something you're

11 assuming that you were on the shoulder, but you do not

12 remember?

13 A No, I do not remember.

14 Q Okay. When you say you rode on the

15 shoulder, what part of the shoulder would you normally

16 ride on as a matter of course?

17 A Would -- well, as a matter of course, it

18 would depend on, you know, if there was debris in the

19 shoulder or anything. But generally, somewhere around

20 the middle to the left-hand side.

21 Q In other words, to the middle to the

1 A And I didn't have a choice.

2 Q Okay.

3 A But again, I wouldn't ride in the lane just

4 to ride in the lane.

5 Q Okay.

6 A I just -- I rode that road for five years

7 and I never felt safe thinking about the lane.

8 Q Why is that?

9 A I never really -- I drove it when I didn't

10 ride. And I never really trusted the people who drove

11 on it enough to pay attention to where they're going to

12 see me before they hit me.

13 Q Okay. Why was that? Something about --

14 particular to this road?

15 A There was lot of tailgating on that road

16 and there was a lot of speed on that road.

17 Q Why was that, do you know?

18 A I don't know.

19 Q This was not a residential area road?

20 A No.

21 Q This was a, I guess -- what was along the

19

21

1 closest -- from the middle of it to the side that was

2 closest to the travel lane?

3 A Yes.

4 Q Why would --

5 A Generally the side further away from the

6 travel lane had more rocks and stones in it.

7 Q Okay. In your normal course, if you came

8 upon an obstruction on the shoulder, I assume you would

9 try to avoid that, right?

10 A Yeah, it would depend on, you know, what

11 you'd consider an obstruction.

12 Q Okay.

13 A Yeah. If there was a car parked there, I

14 would obviously have to go around it.

15 Q Okay. In the normal course, if you had to

16 go around an obstruction, would you ever enter into the

17 travel lane?

18 A Well, if it -- if the shoulder was not

19 available to use, yeah. If there was a car parked

20 there.

21 Q Okay.

1 road? Were there commercial businesses?

2 A Well, at the place the police report places

3 the accident, there were some houses.

4 Q Um-hum.

5 A But just south of there would have been

6 farms and just north of there would have been farms.

7 Q Okay.

8 A But no, it's not a residential area.

9 Q Okay. You do not remember whether there

10 was any obstruction on the shoulder between Skylark

11 Drive and Wacomore Drive?

12 A No. There normally wasn't, though.

13 Q Okay. When was the last time you had

14 ridden your bike over this route?

15 A It would have actually been before

16 Thanksgiving the previous year. It was very cold that

17 December.

18 Q Okay. So, to the best of your knowledge,

19 you had not ridden over that route for about two

20 months --

21 A Six weeks maybe.

1 Q -- on your bicycle?

2 A Six or seven weeks. Yeah.

3 Q Okay. When you drove, would you take the  
4 same route?

5 A Yes.

6 Q In your drives between Thanksgiving of 2000  
7 and January 16th of 2001, did you notice or do you  
8 remember whether there were any obstructions on the  
9 shoulder?

10 A I never recall seeing any, no.

11 Q Okay. So as far as your memory, your  
12 personal recollection is concerned, you have no idea  
13 how this accident occurred?

14 A No. The last thing I remember is pulling  
15 back onto the shoulder after I crossed Skylark.

16 Q But my statement is correct, then?

17 A Yes.

18 Q You do not remember how this accident  
19 occurred?

20 A Yes, I do not remember.

21 Q Okay. So I gather that you never saw

1 A I would have had on black fleece tights

2 over my legs to keep my legs warm, a green wind shell  
3 jacket, an orange safety vest with reflective stripes  
4 on the back. That actually extended below my hips. It  
5 was made for cyclists, so that when you leaned over,  
6 you'd still had a reflective strip across your butt  
7 that people could see.

8 Q Okay. That vest, while we're on it, that  
9 didn't have any lighting of its own, but it reflected  
10 the lighting of headlights?

11 A It didn't have any lighting, but it did  
12 have retroreflective stripes on it.

13 Q All right. Okay. And what else?

14 A I would have had gloves on my hands, a  
15 helmet on my head. I would have had a black fleece  
16 covering over my head under the helmet.

17 Q Okay. What color was your helmet?

18 A The outside covering was white plastic.

19 Q Okay. I've seen some bicyclists have some  
20 type of reflection on their shoes. Do you know what I  
21 mean? Or their pedals.

1 Mr. Martin's vehicle on the roadway?

2 A I don't know whether I would have seen it  
3 or not.

4 Q Okay. But you don't remember seeing it?

5 A Unh-unh.

6 Q You don't remember any noises or anything  
7 unusual before the impact occurred?

8 A Unh-unh.

9 Q What's the next thing you do remember after  
10 crossing Skylark Drive and pulling onto the shoulder?

11 A I have a vague memory of lying on the  
12 ground listening to the -- the emergency people talking  
13 about cutting my clothes off.

14 Q Okay. What else do you remember?

15 A The next thing I remember after that is a  
16 vague memory of being shoved in the back of the  
17 helicopter.

18 Q Okay. Were you wearing a helmet?

19 A Yes.

20 Q Okay. What kind of clothing were you  
21 wearing?

1 A Yeah.

2 Q Did you have that?

3 A No.

4 Q Okay.

5 A I did have a -- well, there were the two  
6 lights on the back, and then there would have been a  
7 retroreflective strip at the back of the fender, too.

8 Q Okay. Have you ever done any competitive  
9 cycling?

10 A Only once; a former manager talked me into  
11 being the bike leg of a triathlon once.

12 Q Okay. So you didn't cycle in races or  
13 anything like that?

14 A No.

15 Q You rode purely for -- well, I guess, to  
16 get to work?

17 A Well, yeah, the vast majority of the riding  
18 I did was back and forth to work.

19 Q Okay. So you vaguely remember the  
20 emergency workers talking about cutting your clothes  
21 off, and then you vaguely remember being pushed into



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1 the helicopter?

2 A Yeah.

3 Q What's the next thing you do remember?

4 A Waking up in the hospital.

5 Q Okay. Do you know if you have ever spoken

6 to Mr. Martin?

7 A Not that I know of.

8 Q Okay. Do you know if you've ever spoken to

9 anyone who witnessed this accident?

10 A No.

11 Q Did you ever speak to the police officer

12 who investigated the accident?

13 A No, I didn't.

14 MR. BELSKY: Going back to the second

15 question. The way he said no, it was -- that could be

16 read one of two ways.

17 MR. MANN: Okay.

18 MR. BELSKY: Does he remember. And he

19 said, no.

20 Q Did you ever speak to anyone who witnessed

21 this accident?

1 what's the next thing you remember. You said you

2 remember waking up and --

3 A Just waking up in the hospital on Tuesday.

4 Q Tuesday?

5 A Tuesday afternoon.

6 Q Okay. Tell me what you remember prior to

7 your surgery after you woke up.

8 A I can remember my wife and the pastor of

9 our church were there. He had actually driven her over

10 here to Baltimore. I can remember them putting the

11 halo on. The neck was broken, and they were trying to

12 pull -- this was all what my wife told me. They were

13 trying to pull the neck to get the bones to go back

14 where they're supposed to.

15 Q Um-hum.

16 A Do you know what a halo is?

17 Q Yes.

18 A Okay. They put a halo on and then

19 suspended weights from it to try and pull the neck.

20 And I can remember them putting the halo on.

21 Q Was the halo actually -- did it pierce your

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1 A No.

2 MR. BELSKY: I just want the record to be

3 clear.

4 MR. MANN: Okay. Yes.

5 Q What hospital did you wake up in?

6 A The University of Maryland Medical Center

7 in Baltimore.

8 Q Okay. And --

9 A In their Shock Trauma unit.

10 Q Okay. Did you have surgery as a result of

11 this accident?

12 A Yes.

13 Q And to what parts of your body?

14 A To my neck.

15 Q Okay.

16 A They did fusion surgery.

17 Q Had the surgery been performed before you

18 woke up or before you remember?

19 A No. The accident was Tuesday morning, and

20 they did the surgery Wednesday morning.

21 Q Okay. And when you did you -- I asked you

1 skin, the halo that they put on?

2 A Yes.

3 Q Okay.

4 A There's -- you can still see the scars --

5 Q Um-hum.

6 A -- somewhere up here (indicating). And my

7 wife says she can still find the other two back here.

8 Q Okay.

9 A Because there's no hair growing on them.

10 Q Okay.

11 A I can remember that distinctly. It was a

12 very, very odd feeling.

13 Q Right.

14 A Because, you know, they deaden the skin so

15 you couldn't feel the screw go in.

16 Q Uh-huh.

17 A But the, you know -- as they screwed it in,

18 the pressure there was like somebody had my head in a

19 vise.

20 Q Right.

21 A It's like the worst headache you could ever

1 imagine.  
 2 Q Okay.  
 3 A Very odd.  
 4 Q And they did this before they did the  
 5 surgery?  
 6 A Yes. They did that Tuesday afternoon to  
 7 try and get the neck to go back in by itself. And then  
 8 I can also remember after they had put the halo in and  
 9 suspended the weights for, I don't know, probably a few  
 10 hours, they did an M.R.I. to see if it had had any  
 11 effect. And I can remember the M.R.I.  
 12 Q Okay. And then they operated on you on  
 13 Wednesday?  
 14 A Wednesday morning.  
 15 Q Okay. And then how long were you in the  
 16 hospital in University of Maryland Shock Trauma?  
 17 A I left there Saturday morning.  
 18 Q Okay. And where did you go from there?  
 19 A Kessler Adventist Rehabilitation Hospital  
 20 in Rockville.  
 21 Q Okay. That was closer to your home?

1 A Yes.  
 2 Q Okay. And how long did you stay there?  
 3 A I left there two weeks after the accident,  
 4 so that would have been ten days.  
 5 Q Other than laboratory tests and x-rays and  
 6 scans and whatever, what did they do for you at Shock  
 7 Trauma other than the surgery?  
 8 A (No response.)  
 9 Q Did you have any other surgical procedures?  
 10 A No. They operated Tuesday morning on my  
 11 neck. And they said they considered the leg, but they  
 12 decided not to operate on that one.  
 13 Q Okay. And what was wrong with your leg?  
 14 A I broke the leg just below the knee.  
 15 Q Okay. Did they tell you why they decided  
 16 not to operate?  
 17 A They would have operated to pin the bones  
 18 together, and they decided they didn't need to do that.  
 19 Q Okay. What did they do to repair your  
 20 knee, I mean, your leg?  
 21 A They put it in a brace and left it there

1 for seven weeks.  
 2 Q Okay. And to your knowledge, did the leg  
 3 heal?  
 4 A The bone has healed, yes.  
 5 Q Okay.  
 6 A It still bothers me on a regular basis.  
 7 Q Okay. Did any doctor ever tell you that  
 8 you needed a further surgical procedure to your leg?  
 9 A The doctor said that there was a -- well,  
 10 that -- more than one doctor has told me that my  
 11 chances of developing arthritis in either my neck or my  
 12 leg are considerably higher after the accident. And  
 13 the doctor who did the surgery at University of  
 14 Maryland Medical Center said that there was a chance  
 15 that sometime in the future if the -- if the leg  
 16 bothered me a lot, I guess, they might have to rebreak  
 17 it and pin it together straighter because it didn't  
 18 heal exactly straight, I guess.  
 19 Q Okay. But no doctor said they had to do  
 20 that?  
 21 A No one has -- no one has yet said they have

1 to do that, no.  
 2 Q Okay.  
 3 A They only told me that there's a  
 4 possibility that I might have to do that some day.  
 5 Q Okay. How long were you in -- you said it  
 6 was Kessler?  
 7 A Kessler.  
 8 Q Um-hum.  
 9 A Yes.  
 10 Q How long were you in there?  
 11 A Ten days.  
 12 Q Okay. And you went through therapy?  
 13 A Yes.  
 14 Q How long did you wear the halo?  
 15 A The halo was only like a day.  
 16 Q Okay.  
 17 A I don't remember them taking it off, so I  
 18 don't know exactly how long. But when I came out of  
 19 surgery, I didn't have it.  
 20 Q Okay. And you wore the cast on your leg  
 21 for seven weeks, approximately?

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1 A It was actually a brace. It wasn't a cast.  
 2 Q A brace. Okay.  
 3 A I actually had the brace. They -- well,  
 4 they kept the brace locked for seven weeks, and then as  
 5 the leg -- at that point, they sent me to physical  
 6 therapy as the leg strengthened. They would -- they  
 7 unlocked the brace and gradually increased the amount  
 8 of motion they would let me have.  
 9 Q Okay.  
 10 A I probably had the brace on for another  
 11 three or four weeks past the seven.  
 12 Q What, if any, other injuries did you  
 13 sustain other than your leg and your neck?  
 14 A A closed head injury I think is the way  
 15 they described it. A concussion.  
 16 Q Did you have any outward mark of injury to  
 17 your skull?  
 18 A I don't know.  
 19 Q You don't know?  
 20 A I had, you know, scrapes and bruises on my  
 21 face.

35

1 Q Um-hum.  
 2 A But I don't know.  
 3 Q Did you require sutures anywhere on your  
 4 head or face?  
 5 A Not that I recall, no.  
 6 Q Okay. I see you have a blond spot there.  
 7 Does that have anything to do with the accident? Or a  
 8 white spot.  
 9 A No, that's a genetic thing.  
 10 (A discussion was held off the record.)  
 11 Q Okay. All right. So as far as any  
 12 lacerations to your head itself, you did not, to your  
 13 knowledge have --  
 14 A Not that I know of, no. The only -- like I  
 15 said, they called it a closed head injury.  
 16 Q Right.  
 17 A And a concussion.  
 18 Q Okay.  
 19 A And I still have short-term memory problems  
 20 that they say are a result of that.  
 21 Q Okay. I understand. And we'll talk about

36

1 that in a little bit.  
 2 So after you went home from Kessler, what  
 3 was your course there at home?  
 4 A They had a home therapist come and give me  
 5 a set of exercises I could do sitting in the  
 6 wheelchair.  
 7 Q Um-hum.  
 8 A Which was mostly just arm stuff, because I  
 9 couldn't move my leg yet.  
 10 Q Okay.  
 11 A And after -- at seven weeks after the  
 12 accident, the doctor said I could start rehabilitation  
 13 on my knee, on my leg. And it was probably ten or  
 14 eleven weeks after the accident before they would let  
 15 me take the collar off my neck and do physical therapy  
 16 for that.  
 17 Q The collar that you were wearing, was it  
 18 removable before that time? Could you take it off and  
 19 put it back on?  
 20 A You could, yes. But I didn't.  
 21 Q You didn't take it off to bathe or shower

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1 or anything?  
 2 A My wife would bathe me, and she would --  
 3 she could -- I would lean back and she would open the  
 4 front and wash this side and then close it back up and  
 5 lean me forward and open the back and wash the back of  
 6 my neck.  
 7 Q Okay. But at some point they said it was  
 8 okay to remove that?  
 9 A Yeah, but that was --  
 10 Q Ten or eleven weeks?  
 11 A -- ten or eleven weeks, probably.  
 12 Q And once you removed that, did you remove  
 13 it for good, or did you wear it for any reason?  
 14 A They gave me a soft -- I think they call it  
 15 a soft cervical collar --  
 16 Q Okay.  
 17 A -- that I had to wear for a couple of weeks  
 18 after that.  
 19 Q Okay. And then you were not required to  
 20 wear that anymore?  
 21 A No.

1 Q And ha lar on.  
2 your neck since  
3 A No.  
4 Q Okay. I vere able  
5 to walk?  
6 A They ha g -- my amputation  
7 hospital -- I don't really remember -- probably a week  
8 after the accident.  
9 Q Were you able to --  
10 A I was doing that with a walker --  
11 Q Right.  
12 A -- because they wouldn't let me put any  
13 weight on my leg.  
14 Q Okay. Were you able to walk at home?  
15 A The house we were in, I couldn't get the  
16 wheelchair in the bedroom, so yes, I had to use the  
17 walker to get from the living room or the kitchen into  
18 the bedroom.  
19 Q Did you walk to the bathroom and use the  
20 bathroom?  
21 A Yes.

1 injury, or --  
2 A No.  
3 Q Okay. All right. How long were you part  
4 time?  
5 A They had me work three hours a day, three  
6 days a week. And I think I did that two weeks. And  
7 then I think I did three hours a day, five days a week  
8 for a week or two. And then five hours a day, five  
9 days a week. And then eight hours a day, five days a  
10 week. I don't remember exactly the timings on all  
11 those.  
12 Q Eight hours a day, five days a week was  
13 your normal schedule?  
14 A Yeah.  
15 Q Okay. How did you get back and forth to  
16 work during that time?  
17 A I drove.  
18 Q Okay. How long was it before you were able  
19 to walk without the walker?  
20 A I should probably remember that, but I  
21 don't remember.

1 Q Okay.  
2 A Yeah. The bathroom was right next to the  
3 bedroom.  
4 Q Okay. When did you go back to work?  
5 A Probably like the first or second week of  
6 May.  
7 Q Okay.  
8 A I don't remember exactly when. I went back  
9 part time.  
10 Q And were you doing the same job? I  
11 understand it was part time. Were you doing the same  
12 job when you went back?  
13 A Yes.  
14 Q Was there some project you were working on  
15 at the time you got hurt?  
16 A Yes.  
17 Q Okay. Did you go back on the same project?  
18 A No, actually that project had been  
19 cancelled by the time I got back, so they gave me a  
20 different one when I got back.  
21 Q Was the cancellation having to do with your

1 Q Okay. You weren't using the walker when  
2 you went back to work?  
3 A No.  
4 Q Were you using anything; a cane or a crutch  
5 or anything when you went back to work?  
6 A No.  
7 Q What was the last thing that kept you from  
8 going back to work?  
9 A They wouldn't let me go until they released  
10 me from the -- the neck collar.  
11 Q Okay.  
12 A Until the doctor released me from the neck  
13 collar.  
14 Q What is the condition of your neck today?  
15 A Well, they performed neck -- they performed  
16 fusion surgery to fuse the two vertebrae that broke.  
17 Q Right. How does that affect you?  
18 A It limits my range of motion some. I can't  
19 turn my head, you know, as far in either direction or  
20 up and down as I used to.  
21 Q Okay.

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1 A And the muscles in the back of my neck and  
 2 the back of my shoulders still hurt a lot more than  
 3 they used to.  
 4 Q Okay. What was it before the accident?  
 5 Did you have some pain in your neck?  
 6 A No.  
 7 Q And you said they hurt more than they used  
 8 to. Did you mean before the accident?  
 9 A I never really had pains in my neck.  
 10 Q Okay.  
 11 A I just --  
 12 Q But now you do have pains in your neck?  
 13 A If I -- if I like do yard work, anything  
 14 that requires any kind of muscle work in the back or in  
 15 my shoulders or my neck is going to bother me, yes.  
 16 Q Okay.  
 17 A Anytime I have to turn as far around as I  
 18 can, it will bother me.  
 19 Q How about your leg injury? How does that  
 20 affect you now?  
 21 A My knee bothers me every day.

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1 Q In what way?  
 2 A If I stand up more than a couple minutes or  
 3 if I walk more than a couple minutes, it will get sore  
 4 and tight.  
 5 Q Okay.  
 6 A And painful.  
 7 Q So you can't walk?  
 8 A Well, I can walk.  
 9 Q I mean --  
 10 A I just can't do it comfortably.  
 11 Q Um-hum.  
 12 A I've taken to wearing an elastic bandage  
 13 on my knee that helps a lot.  
 14 Q Every day?  
 15 A Every day.  
 16 Q Okay. Do you still ride your bicycle?  
 17 A Every once in a while.  
 18 Q Okay.  
 19 A Not nearly as often.  
 20 Q All right. Let's talk about your head  
 21 injury. You said that you had short-term memory loss?

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1 A Yes.  
 2 Q What do you mean by that?  
 3 A I mean I forget things.  
 4 Q Okay. You still forget things?  
 5 A Yes.  
 6 Q Like what kind of things?  
 7 A Like if I'm sitting in my boss' office and  
 8 he gives me a list of tasks that I need to get done  
 9 that day or that week, if don't write them down, by the  
 10 time I get back to my office, I will have forgotten one  
 11 or more of them.  
 12 Q Okay. When you call it short-term memory  
 13 loss, does that mean you can remember things that  
 14 happened a year ago, but you have trouble remembering  
 15 things that are very fresh?  
 16 A I do a lot better with things that are  
 17 longer term, yes. My wife said that I -- that my  
 18 memory long term isn't as good as it was before the  
 19 accident.  
 20 Q Has any doctor explained to you why that  
 21 has occurred?

45

1 A No. They say it's not uncommon for the  
 2 injuries I suffered. But I don't understand why.  
 3 Q Well, it doesn't have anything to do with  
 4 your neck or your leg injury, does it?  
 5 A Not that I know of. It's -- as far as I  
 6 know, it's all the head injury.  
 7 Q Okay. And what you understand happened was  
 8 a concussion?  
 9 A That's what they told me in the hospital.  
 10 Yes.  
 11 Q All right. Well, have you learned  
 12 differently since then?  
 13 A Well, since then I've been introduced to  
 14 the term closed head injury.  
 15 Q Well, a concussion is a closed head injury,  
 16 I guess.  
 17 A Okay.  
 18 Q Okay. Has any doctor recommended some  
 19 course of treatment that might help the short-term  
 20 memory loss?  
 21 A No.

12 (Pages 42 to 45)

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1 Q Have you taken any medication for that?  
2 A No.  
3 Q And I'm talking about back to the time of  
4 the accident, just for your concussion, your head  
5 injury.  
6 A Not that I know of, no.  
7 Q Okay. Did you take any medication after  
8 you were released from Kessler for your injuries?  
9 A Yes.  
10 Q What were you taking?  
11 A They had me on a pain pill, and that was  
12 Oxy-IR maybe, something like that.  
13 Q That was for pain. How long did you take  
14 that?  
15 A A few weeks at least. I don't recall  
16 exactly.  
17 Q A few weeks after Kessler?  
18 A Yes.  
19 Q Okay.  
20 A They had me on an iron supplement. They  
21 had me on a stool softener. There was something else

1 neurosurgeon -- about the neck.  
2 Q And that was down in Florida?  
3 A That was down in Florida. That was  
4 probably earlier this year.  
5 Q Okay.  
6 A I saw him twice after I moved.  
7 Q I remember reading his reports. As I  
8 understand, it was just to make sure that things were  
9 going along --  
10 A Yeah.  
11 Q -- just to --  
12 A Yeah. To make sure that the fusion surgery  
13 was doing what it's supposed to.  
14 Q And what did he tell you?  
15 A He said everything looked fine.  
16 Q So you don't -- as far as he was concerned,  
17 you didn't need to see him anymore other than that?  
18 A Yes.  
19 Q So other than the -- whatever Dr. Figueroa  
20 is doing for your knee, are you receiving any treatment  
21 at this time?

1 too.  
2 Q How long did you take any of those  
3 medications after Kessler?  
4 A A few weeks, at least.  
5 Q Okay. Do you take any medications for your  
6 injuries at this time?  
7 A The doctor has given me -- what's the  
8 word -- anti-inflammatory for my knee.  
9 Q What doctor has given it to you?  
10 A Dr. Figueroa, who's my physician in St.  
11 Petersburg.  
12 Q Okay. Is he your family doctor or is he  
13 just for your leg injury?  
14 A He's a general -- I mean, it's not a  
15 general practitioner. It's a family practice.  
16 Q All right. Okay. Are you seeing any  
17 doctor just for your injuries?  
18 A Not at this time, no.  
19 Q Okay. When was the last time you saw  
20 anybody just for your injury?  
21 A I saw him -- I think he was a

1 A Not for the injuries, no.  
2 Q Right.  
3 A Just the knee.  
4 Q Okay. Do you have any other health  
5 problems?  
6 A I have high cholesterol.  
7 Q You had that before the accident?  
8 A Yeah.  
9 Q Okay. Anything else?  
10 A Not that I can think of, no.  
11 Q The job that you have now, Raytheon is  
12 essentially the same as the one you had for Acterna?  
13 A It's -- yeah, it's the same kind of work.  
14 Q Okay. And are you making the same or more  
15 money?  
16 A I'm actually making a little less money.  
17 Q Okay. Why is that?  
18 A Because that's what they offered me.  
19 Q Okay. It doesn't have anything to do with  
20 a lesser capacity by you to do your job, does it?  
21 A Not that I know of.

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1 Q Okay. And you left Acterna as -- of your  
2 own choice because you wanted to go back to Florida,  
3 right?

4 A Yes.

5 Q Okay. Did you feel like you were able to  
6 do your same job at Acterna before you left?

7 A I'd like to think so.

8 Q Well, did any of your employers tell you or  
9 supervisors tell you that you weren't doing the job?

10 A No. But yeah, I'd -- once I got back to  
11 work, I noticed the short-term memory thing there too.

12 Q Well, does that affect you in your job as a  
13 software engineer?

14 A If I write things down so that I don't have  
15 to remember them, then it doesn't affect me.

16 Q Okay.

17 A I tend to write a lot more notes now than I  
18 did then.

19 Q Okay. Have any of your supervisors or  
20 employers at Raytheon told you that you are not doing  
21 the job properly?

1 A In '88.

2 Q Right. Okay. How about the bicycle  
3 accidents? Have you ever had a collision with an  
4 automobile on your bicycle?

5 A No.

6 Q These were just things where you hit an  
7 obstruction or something and fell?

8 A Something like that, yeah.

9 Q Okay.

10 MR. BELSKY: "These" meaning the fractured  
11 finger and elbow?

12 MR. MANN: Well, those -- no, those were  
13 not bicycle accidents, right?

14 THE WITNESS: No.

15 MR. BELSKY: No.

16 MR. MANN: Okay. I'm just talking about  
17 the bicycle accidents right now.

18 Q Did you ever fracture anything in a bicycle  
19 accident?

20 A No.

21 Q Have you ever struck your head?

51

53

1 A No.

2 Q Have you ever been injured in an accident  
3 before?

4 A No.

5 Q Never?

6 MR. BELSKY: Well, wait a minute. Are you  
7 talking about an automobile accident or any accident?

8 Q Any accident. Any type of accident.

9 A Well, I've -- yeah, I have had, you know, a  
10 couple of like what you'd call single person accidents,  
11 you know. I scraped myself up on the bike more than  
12 once.

13 Q Okay. Have you ever received medical  
14 treatment as a result those accidents?

15 A I broke my middle finger on my left hand in  
16 college playing football with friends. And I cracked a  
17 bone in the little finger of my left hand in college  
18 playing football with friends. I cracked a bone in my  
19 elbow just after I got married when I fell off the back  
20 end of a truck.

21 Q Okay. You got married in '88?

1 A Yeah. Sorry. Yeah, I broke my collarbone  
2 in a cycling accident.

3 Q Okay. When was that?

4 A That was October of '95. That was a week  
5 after I started at Acterna.

6 Q Okay. Did you go to the hospital?

7 A Yes.

8 Q Which one?

9 A Shady Grove.

10 Q That's Shady Grove Adventist or something,  
11 isn't it?

12 A Yes.

13 Q Yes. Silver Spring?

14 A I think that's actually in Rockville.

15 Q Okay. And were you in the hospital or did  
16 you just go to the emergency room?

17 A Just the emergency room.

18 Q Okay. How did that happen?

19 A I was sightseeing at Seneca Creek State  
20 Park and missed a turn, basically, and crashed.

21 Q Okay. You fell off your bike?



1 A Yes.  
2 Q Did you strike your head?  
3 A Probably, yeah.  
4 Q Were you unconscious?  
5 A Not that I remember, no.  
6 Q You can't really remember being  
7 unconscious, I guess. So would you believe you were  
8 unconscious?  
9 A No.  
10 Q Okay. Did they treat any part of your body  
11 other than your collarbone?  
12 A Not that I recall.  
13 Q Okay. Any other bicycle accidents where  
14 you sustained any fractures?  
15 A No.  
16 Q How about any head injuries?  
17 A No.  
18 Q Have you ever injured your head in any way  
19 before this accident?  
20 A Not that I recall.  
21 Q Okay.

1 Q Okay.  
2 A I wear it when I'm around the house,  
3 because I can't stand in front of the sink and do  
4 dishes.  
5 Q Is this one of those ones that you pull on?  
6 A Yes.  
7 Q Okay.  
8 A Do you want to see it? I have it on my  
9 leg.  
10 Q After we get done, I'll take a look at it.  
11 After we're finished the questions I'll take a look at  
12 it. Okay? How else?  
13 A On a daily basis?  
14 Q Yes, sir.  
15 A I've noticed that the -- when I was in  
16 physical therapy, the physical therapist told me that I  
17 don't turn my head as much as I used to; I turn my  
18 shoulders. And since then, I've noticed that she's  
19 correct. If I have to turn around, I don't turn my  
20 head; I turn my shoulders.  
21 Q Okay.

1 A I probably scraped it as a kid, but.  
2 Q Yes. Well, I mean a closed head injury.  
3 A No.  
4 Q Okay. Have you ever had filed a lawsuit  
5 before this one?  
6 A No.  
7 Q Have you ever made any claim for personal  
8 injury; workmen's compensation, anything like that  
9 before this one?  
10 A Not that I recall.  
11 Q We've talked about your injuries in the  
12 physical manifestations. How, if at all, do any of  
13 those injuries affect your daily life, your way of  
14 living at this time?  
15 A Well, like I said, I wear a bandage on my  
16 leg, on my knee every day because it just -- you know,  
17 there's pain if I don't.  
18 Q Okay.  
19 A Just walking from the car to the office in  
20 the morning, my knee would bother me if I weren't  
21 wearing that.

1 A I don't know if that's a good thing or bad  
2 thing. I used to sleep on my stomach all the time, and  
3 I can't anymore. I can't at all.  
4 Q Because of your neck?  
5 A Yeah. I can't turn my head far enough to  
6 be able to breathe.  
7 Q Okay. Were there any activities that you  
8 did before the accident, that you regularly did before  
9 the accident, that you don't do now because of your  
10 injuries?  
11 A Well, I used to ride my bike a lot more and  
12 I don't.  
13 Q Okay.  
14 A I used to play with my kids a lot more, but  
15 like -- you know, like playing football in the yard or  
16 playing basketball in the driveway, and I don't do that  
17 anymore.  
18 Q Okay.  
19 A I used to do a lot more yard work than I do  
20 today. I can't because I just can't -- I can't get out  
21 there and, you know, pull weeds or cut branches or



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1 things.

2 Q You're not complaining about that, are you?

3 A There's times when I'd like to be able to  
4 spend all day cleaning up in the yard.

5 Q Okay. I was just kidding.

6 A We bought a house where they didn't do a  
7 lot of yard work.

8 Q Okay.

9 MR. BELSKY: Off the record.

10 (A discussion was held off the record.)

11 Q All right. Anything else that comes to  
12 mind at this time?

13 A I know there was something that I thought  
14 of a minute ago, but I don't remember what it is now.

15 No.

16 MR. MANN: Okay. Just give me a second.  
17 Let me look through a couple of things.

18 (Michael B. Mann, Esquire looking through  
19 documents.)

20 Q After the accident, obviously, you were  
21 taken to the hospital, and we talked about that. Did

1 State of Maryland

2 County of Harford, to wit:

3

4 I, Sandra A. Judd, a Notary Public of the  
5 State of Maryland, County of Harford, do hereby certify  
6 that the within-named proceedings took place before me  
7 at the time and place herein set out.

8 I further certify that the proceedings were  
9 recorded stenographically by me and this transcript is  
10 a true record of the proceedings.

11 I further certify that I am not of counsel  
12 to any of the parties, nor an employee of counsel, nor  
13 related to any of the parties, nor in any way  
14 interested in the outcome of this action.

15 As witness my hand and notarial seal this  
16 9th day of January, 2003.

17

18

Sandra A. Judd

Notary Public

19 My Commission Expires:

20 August 16, 2005

21

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1 you return to the scene of the accident to see where  
2 it had happened?

3 A Well, when I went to the doctors visits, I  
4 would go down 27, so we would pass by it. But I never  
5 actually stopped and looked at anything, no.

6 Q Okay. That's what I was getting at. Did  
7 you ever, when you returned or went by the scene of the  
8 accident, see anything that would help you remember how  
9 the accident happened or where exactly it happened?

10 A No.

11 MR. MANN: Okay. Those are all the  
12 questions I have. Thank you, Mr. Carroll.

13 MR. BELSKY: Okay. I have no questions.  
14 You have a right to review the deposition before it's  
15 used in the proceedings. If it's an uncomplicated  
16 deposition, I would generally waive it. And I  
17 recommend you waive it, but it's your decision.

18 THE WITNESS: Okay.

19 MR. BELSKY: So you'll waive it?

20 THE WITNESS: I'll waive it.

21 (Deposition concluded at 3:33 p.m.)

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